

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, APRIL 20, 1998  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wear at 2:11 p.m. Deputy Mayor Wear adjourned the meeting at 4:01 p.m. into Closed Session on Tuesday, April 21, 1998, at 9:00 a.m. in the twelfth floor conference room to discuss existing and anticipated litigation, real property negotiations, and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-excused by R-290034  
(Personal business)
  - (1) Council Member Mathis-present
  - (2) Council Member Wear-present
  - (3) Council Member Kehoe-present
  - (4) Council Member Stevens-present
  - (5) Council Member Warden-present
  - (6) Council Member Stallings-present
  - (7) Council Member McCarty-present
  - (8) Council Member Vargas-excused by R-290035  
(Court appearance)
- Clerk-Abdelnour (lw)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present

- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-not present

ITEM-10: INVOCATION

Invocation was given by Pastor Noel Estergren of  
First Lutheran Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
McCarty.

PUBLIC COMMENT:

ITEM-PC-1:

Dr. Mark Sawyer commented on "National Infant  
Immunization Week." He said one out of five children  
is not completely immunized. Dr. Sawyer said there are  
a number of programs going on throughout the year and  
urged the Councilmembers to support them. Dr. Sawyer  
said the programs will help in reducing the number of  
diseases among children today.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A037-068.)

ITEM-PC-2:

Don Stillwell urged Council to take action in returning  
the bible to public schools in an effort to reduce  
crime. He said this country was founded on  
Christianity and we should return to the morals stated  
in the bible.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A069-096.)

ITEM-PC-3:

James Hartman commented on imposing a tax on cigarette and tobacco products. He said anybody can do this and suggested Council look into it.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A097-108.)

ITEM-PC-4: REFERRED TO CITY MANAGER

Kristen Aliotti commented on the restoration of the City-owned Balboa theater which is closed and unrestored and on the National Register of Historic Places. She thanked Deputy Mayor Wear for his help in regard to this building.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A109-139.)

ITEM-PC-5:

Joyce Yeager, Shawnie, Roger Scott, Nathaniel Ferguson, and Forrest Curo commented on shelters for the homeless. They urged Council to support keeping the shelters open and for better programs.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A140-223.)

COUNCIL COMMENT:

ITEM-CC-1:

At the request of Council Member Vargas, Deputy Mayor Wear introduced a special group of students from "Place," a school for homeless teenagers, operated by

the County Office of Education and presented them with a certificate. The students enroll themselves in school without a legal guardian. One of the aspects of Place is healing through art and a sense of community involvement. These students currently have murals displayed in the lobby of City Hall.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A224-258.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

3/23/98 Adjourned  
3/24/98  
3/30/98 Adjourned  
3/31/98

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A259-262.)

MOTION BY KEHOE TO APPROVE THE MINUTES. Second by Stallings. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-31:

SUBJECT: City of San Diego Volunteer Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1024) ADOPTED AS RESOLUTION R-289940

Proclaiming the week of April 19 - 25, 1998 to be "City of San Diego Volunteer Week" in San Diego.

CITY MANAGER SUPPORTING INFORMATION:

Over 30,000 volunteers worked for the City of San Diego in Fiscal Year 1997. Those volunteers gave 763,000 hours valued at more than \$10.5 million to the City. Volunteers assist staff in

almost all City departments in the performance of their duties. Without them, many City of San Diego programs would have to be reduced or in some cases eliminated. Most departments honor their volunteers throughout the year, and include some special recognition during National Volunteer Week (this year April 19-25, 1998). By declaring April 19-25, 1998 "City of San Diego Volunteer Week," volunteers are also recognized on a Citywide basis for their significant contributions to the efficiency and effectiveness of City government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A263-380; A606-620.)

MOTION BY WARDEN TO ADOPT ITEMS 31, 32, S400, AND S401.  
Second by Stallings. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-not present, Mayor  
Golding-not present.

ITEM-32:

SUBJECT: Earth Day and Earth Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1137) ADOPTED AS RESOLUTION R-289941

Proclaiming April 22, 1998, to be "Earth Day" and April  
19-25, 1998, to be "Earth Week" in San Diego and urging  
San Diegans to work to preserve our natural resources.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A381-418; A606-620.)

MOTION BY WARDEN TO ADOPT ITEMS 31, 32, S400, AND S401.  
Second by Stallings. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-not present, Mayor  
Golding-not present.

\* ITEM-50:

SUBJECT: Rezoning 0.67 acres located at 8657 Navajo Road.  
(RZ-96-8542. Navajo Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
4/7/98. (Council voted 8-0. Mayor Golding not present):

(O-98-105) ADOPTED AS ORDINANCE O-18498 (New Series)

Rezoning 0.67 acres located at 8657 Navajo Road, into  
the CA (Area Commercial) Zone.

FILE LOCATION: ZONE - 96-7542 (65)

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND  
ADOPT THE ORDINANCE. Second by Warden. Passed by the  
following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-not present, Mayor Golding-not present.

\* ITEM-51:

SUBJECT: First Amendment to the Lease Agreement with the County  
of San Diego for Palomar Mountain Communication Site.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
3/31/98.  
(Council voted 9-0):

(O-98-102) ADOPTED AS ORDINANCE O-18499 (New Series)

Authorizing a first amendment to the lease agreement  
with the County of San Diego for rack space at Palomar  
Mountain Communication Site.

NOTE: 6 votes required pursuant to Section 99 of the City  
Charter.

FILE LOCATION: LEAS - County of San Diego, Palomar  
Mountain Communication Site

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-52:

SUBJECT: Two actions related to a Second Amendment to the Agreement with EMCON for the Underground Storage Tank Management Program.

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-98-106) INTRODUCED, TO BE ADOPTED  
MAY 4, 1998

Introduction of an Ordinance authorizing a second amendment to the agreement with EMCON to provide professional services for the City of San Diego's Underground Storage Tank Management Program.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

Subitem-B: (R-98-1045) ADOPTED AS RESOLUTION R-289942

Amending the Fiscal Year 1998 Capital Improvement Program by adding \$45,000 to Underground Storage Tank Management Program CIP-33-084.0, Fund 10511, from Airports Division Fund 41100;

Authorizing a second amendment to the agreement with EMCON for \$100,000, to provide professional services for the Underground Storage Tank Management Program;

Authorizing the expenditure of not to exceed \$106,092.50 (\$76,092.50 from CIP-33-084.0, Fund 10511, and \$30,000 from CIP Sublet 33-842.3, Fund 30244).

CITY MANAGER SUPPORTING INFORMATION:

EMCON Associates was selected as the City's Underground Storage Tank Management Program Environmental Engineering Consultant in accordance with AR 25.60 to perform Environmental Engineering Services to assist in the site assessment and mitigation of the City's unauthorized release sites and design of fuel storage facilities. This agreement became effective on August 9, 1993 under Resolution No. R-282481. A first amendment to the agreement for \$50,000 was filed with the City Clerk on July 30, 1996, under City Manager Action Document No. C-07228. Funding for the first amendment was provided by the Equipment Division for design work and site assessment at the Rose Canyon and Central Operations Yards. The three year extension to the agreement is mandated by Charter Section 99 due to the length of the contract, and will allow completion of the original scope of work. Professional services to be provided under this second amendment shall include, but not be limited to: performing site investigations of unauthorized releases, soil and groundwater testing and analysis and overseeing remediation of contaminated sites at Brown Field Airport, Police and Fire Department facilities. This work is mandated by State and Federal law. All single wall underground storage tanks (UST's) must be upgraded December 22, 1998 to full double wall UST systems with electronic leak detection. No extensions to this deadline are authorized. Under State law, fuel cannot be delivered after January 1, 1999 to any UST that is not certified as complying with the new regulations.

Aud. Cert. 9801093.

FILE LOCATION: Subitem A: NONE; Subitem B: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO INTRODUCE SUBITEM A AND ADOPT SUBITEM B. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-100:

SUBJECT: Inviting Bids for the Pump Station 65 Relocation Project and Force Main.



(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-996) ADOPTED AS RESOLUTION R-289943

Inviting bids for the demolition of the old Pump Station 65 and removal of the utility berm in Los Penasquitos Lagoon Preserve on Work Order No. 170511;

Authorizing a contract with the lowest responsible bidder; provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be on deposit in the City Treasury;

Authorizing the expenditure of not to exceed \$700,000, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be on deposit in the City Treasury, as follows:

\$481,875 from CIP-46-117.0, Pump Station 65 Expansion and Force Main, for construction and project related costs;

\$18,125 from CIP-46-193.0, Annual Allocation - Muni Sewer Pooled Contingency, for project contingency; and;

\$200,000 from CIP-46-117.0, Pump Station 65 Expansion and Force Main, for additional contingency and related costs associated with the Valley Crest Landscape contract.

(BID-K98111)

CITY MANAGER SUPPORTING INFORMATION:

Council Resolution R-283209 and R-283210 authorized the City Manager to execute a contract with the lowest responsible bidder of the Pump Station 65 Relocation Project. In July 1994, Mingus Construction, Inc. was awarded the contract for the construction of the new Pump Station 65. This construction contract included the demolition of the old Pump Station 65 which is located in the Los Penasquitos Lagoon Preserve. Recently, the demolition work for the old Pump Station 65 was deleted from Mingus's contract.

MWWD is requesting the re-advertisement and award of the demolition work for the old Pump Station 65. The demolition of old Pump Station 65 includes: removal, decontamination, and transportation of old pumps and related equipment to a MWWD storage facility. The work also includes re-grading of the old pump station site prior to re-vegetation. (The re-vegetation work is not included in the demolition contract; instead the work will be performed as part of the Sorrento Valley Utilities Improvement Project). Other work associated with this demolition contract include, repairing and re-directing of sewer flows at the manholes just south of Carmel Valley Road and the old pump station. This re-directing of sewer flows is the final step required before demolition of the old pump station. Other surface repair work includes the removal of a temporary by-pass pipeline and pavement repairs on Roselle Street, just south of Sorrento Valley Boulevard. Additional contingency and related costs, in the amount of \$200,000 for Pump Station 65 Relocation Project and Force Main are necessary for changes in the project including removal of the utility berm and the demolition of existing manholes between the old and new Pump Station 65. This work will be performed by Valley Crest Landscape as a part Carmel Valley/Sorrento Valley Revegetation Project.

FILE LOCATION: W.O. 170511 CONT - Archer Western  
Contractors

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-101:

SUBJECT: Two actions related to Inviting Bids for Construction of Water and Sewer Replacement Group Job 502.

(Mid-City Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-988) ADOPTED AS RESOLUTION R-289944

Inviting bids for construction of Water and Sewer Replacement Group Job 502 on Work Order Nos. 171911/181471;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that funds are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$747,000 from Water Revenue Fund 41500, Annual Allocation for Water Main Replacement, CIP-73-083, and an amount not to exceed \$749,000 from Sewer Fund 41506, Annual Allocation for Sewer Main Replacement, CIP-44-001.0, provided that the City Auditor first furnishes a certificate demonstrating that funds are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K98073C)

Subitem-B: (R-98-989 Cor.Copy 2) ADOPTED AS RESOLUTION  
R-289945

Certifying that Mitigated Negative Declaration DEP-95-0165 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City of San Diego as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of construction of Water and Sewer Replacement Group Job 502; approving the Mitigated Negative Declaration; adopting the Statement of Overriding Considerations; adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Main Replacement Group 502 will replace approximately 1.11 miles of water main and 1.07 miles of sewer main in the Talmadge neighborhood of the Mid-City Community Area. This project is part of the City of San Diego's continuing annual water main and sewer main replacement program. The existing cast iron water mains and concrete sewer mains were installed in 1928



and are in a deteriorated condition and have experienced many breaks and backups, respectively. This project will alleviate future maintenance problems and will provide a more reliable water distribution and wastewater collection system for the service area. The following streets will be affected in the Talmadge neighborhood of the Mid-City Community Area by construction activities: Monroe Avenue, Aldine Drive, 47th Street, Euclid Avenue, Norma Drive, Adams Avenue, and Miracle Drive. Residents will be notified by mail at least one month before construction by the City of San Diego, and ten days before construction by the contractor.

WWF-CSD-98-324.

FILE LOCATION: Subitems A,B: W.O. 171911/181471  
CONT - Ortiz Construction

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTIONS. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-102:

SUBJECT: Amended Map of Sabre Springs Parcel 1.

(A 6 lot subdivision. Sabre Springs Community Area.  
District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1078) ADOPTED AS RESOLUTION R-289946

Approving the amended map of Sabre Springs Parcel 1.

CITY MANAGER SUPPORTING INFORMATION:

This map is an amended map of Sabre Springs Parcel 1, Map-13329, filed in the Office of the San Diego County Recorder on May 17, 1996. The City Engineer has determined that it conforms to all other approved permits. This amended map corrects errors generated from miscalculations of the existing easements in Lots

1, 2, 3, 5 and 6 along the right-of-way of Sabre Springs Parkway and Evening Creek Drive North and reconfigures Lots 1 through 6, inclusive. The City of San Diego is the owner of Lot 4. A Subdivision Improvement Agreement was entered into with Pardee Construction Company on May 6, 1996. A performance bond was posted in the amount of \$66,483 to insure completion of the public improvements.

FILE LOCATION: SUBD - Sabre Springs Parcel 1

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-103:

SUBJECT: Four actions related to Easements and Street Dedications - Ocean View Hills Parkway and Dennery Road.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1062) ADOPTED AS RESOLUTION R-289947

Accepting an easement for public street purposes in a portion of Section 30, Township 18 South, Range 1 West, San Bernardino Meridian;

Dedicating and naming the same Ocean View Hills Parkway and Dennery Road.

Subitem-B: (R-98-1061) ADOPTED AS RESOLUTION R-289948

Accepting an easement for public street purposes in a portion of Parcel 1 of Parcel Map PM-15134;

Dedicating and naming the same Ocean View Hills Parkway.

Subitem-C: (R-98-1063) ADOPTED AS RESOLUTION R-289949

Setting aside a portion of Lot B of Palm Promenade,  
Map-13071 for a drainage easement.

Subitem-D: (R-98-1064) ADOPTED AS RESOLUTION R-289950

Authorizing a Joint Use Agreement with San Diego Gas &  
Electric Company, for joint use of a portion of Ocean  
View Hills Parkway.

CITY MANAGER SUPPORTING INFORMATION:

These four requested actions are to support three large  
developments in the Otay Mesa Area, Palm Promenade, Dennery Ranch  
and California Terraces. Subitems A and B dedicate additional  
right-of-way for Dennery Road and Ocean View Hills Parkway.  
Subitem C provides for a drainage easement to the City, which is  
across City owned land. Subitem D is an approval for joint use  
of a portion of Ocean View Hills Parkway with San Diego Gas and  
Electric Company. Staff recommends approval of these actions.

FILE LOCATION: Subitems A,B,C,D: DEED F-7215

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT THE RESOLUTIONS. Second by  
Warden. Passed by the following vote: Mathis-yea, Wear-yea,  
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,  
McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-104:

SUBJECT: Drainage Easement Abandonment - Portion of Lot 3,  
Creekview South Unit No. 4.

(Sabre Springs Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1089) ADOPTED AS RESOLUTION R-289951

Vacating the drainage easement in a portion of Lot 3 of Creekview South, Parcels 23, 24, 25, 26 and 27, Unit No. 4, Map-13067.

CITY MANAGER SUPPORTING INFORMATION:

Action is requested to abandon this drainage easement, located on the south side of Poway Road in the Sabre Springs Community Planning Area. The existing storm drain pipeline was relocated to accommodate a new approved development on the site. A new drainage easement was granted on the final subdivision map known as Creekview South Parcels 23, 24, 25, 26 and 27, Unit No. 4, for the new facilities. The drainage easement proposed for abandonment no longer contains any storm drain facilities. The Field Division has recommended acceptance of the public improvements in the subdivision; however, before we can proceed with final acceptance, this unneeded drainage easement must be abandoned. Staff recommends that City Council approve the abandonment of this easement, as shown on Drawing No. 18109-B.

FILE LOCATION: DEED F-7216

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-105:

SUBJECT: Accepting Donations - House of Hospitality  
Reconstruction.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1107) ADOPTED AS RESOLUTION R-289952

Accepting the generous donation of \$50,000 from the Committee of 100, supplementing CIP-21-835.4, House of Hospitality Historical Reconstruction;



Authorizing the reimbursement of \$50,000 for CIP-21-835.4, House of Hospitality Reconstruction, Private and Other Contributions Fund No. 63022, for the purpose of reconstruction of the House of Hospitality;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer funds to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Since 1967, the Committee of 100 has played a vital role in the preservation of the Spanish Colonial architecture found in the El Prado area of Balboa Park. They have played an active role in raising millions of dollars towards preservation of Balboa Park's buildings and have provided, to the City, meticulous documentation of the 1915 buildings and the ornamentation that adorns their exteriors. In the continuation of that tradition, the Committee of 100 in 1995 set a goal to raise \$50,000 towards the reconstruction of the House of Hospitality. The project to reconstruct the House of Hospitality is nearing completion, and the House of Hospitality Association is currently managing the facility. The cost of the building is in excess of \$15 million with work to complete various details continuing. The \$50,000 donation is intended to offset some of the \$1.36 million used to install the exterior ornamentation. The Committee of 100 organized an auction of the original exterior plaster ornamentation removed from the House of Hospitality. The success of this auction and the generous financial support of individual members is demonstrated by this \$50,000 donation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A543-605; A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-106:

SUBJECT: Gang Violence Reduction Project Grant to California Youth Authority.

(Sherman Heights, Grant Hill, Stockton, Logan Heights and Memorial Community Areas. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1029) ADOPTED AS RESOLUTION R-289953

Authorizing the Chief of Police, on behalf of the City Manager, to apply for, accept, expend and administer funds for a grant application from the California Youth Authority, for a program to provide early gang intervention and diversion services to youth ages 8-14 at Memorial Academy (middle school), and Sherman, King, Perkins and Logan Elementaries;

Authorizing the Chief of Police, on behalf of the City Manager, to accept, expend and administer any amendments, extensions, renewals, or future funding of this program for a period of up to five years, providing funding is made available by the State of California.

CITY MANAGER SUPPORTING INFORMATION:

SDPD Gangs and Juvenile Services, along with partner agencies, have designed a multi-faceted, school-based early gang prevention and intervention proposal to the California Youth Authority. Common project themes include Community Restorative Justice, Problem Solving Partnerships, and Maximizing Resources through Risk Assessment. Project Partners are Social Advocates for Youth (SAY San Diego), San Diego Mediation and Restitution Services, and Partners in Prevention. Contractual arrangements with these agencies will be processed separately if the grant is selected for funding.

Target Sites: Memorial Academy (middle school), and Sherman, King, Perkins and Logan Elementaries in SDPD's Central Division; fourth through ninth grades, ages 8-14. The target area is 3.37 square miles with a residential population of 38,000. Seven gangs claim turf within the target area. Over 50 percent of target area youth live in poverty. The violent crime rate is 62 percent higher than City-wide.

Project Objectives: Conflict resolution, mediation and peer counseling training for youth, group and family conflicts; alternative after-school activities based on the Critical Hours model; victim services including reconciliation and supervised restitution; information sharing via Steering Committee and

community collaborations; community service projects including multi-media productions by target area youth presented to target school student bodies; each after-school activity club will design and conduct its own community service project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-107:

SUBJECT: Metropolitan Wastewater Department FY98  
Deappropriations.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1100) ADOPTED AS RESOLUTION R-289954

Authorizing the deappropriation of the total amount of \$21,651,636 from the Fiscal Year 1998 budget.

CITY MANAGER SUPPORTING INFORMATION:

The deappropriations requested by this action result from savings from bids received below estimated costs of \$7,297,932 spread over sixteen projects. They also result from schedule changes in twelve projects totaling \$13,253,704. Reschedules include \$1,924,182 in COMNET for redistribution of Westinghouse contract phases, \$4,330,939 at the Metropolitan Operations Center (MOC) for construction delays, \$1,100,000 on the Water Repurification Project in rescheduled design awaiting completion of EIRS & EIS, \$2,542,757 for five month construction delay with the Pt. Loma Chemical Feed System Upgrade, and \$1,081,500 for moving land acquisition at the Trucked Liquid Waste Disposal Site from May to October of this year. This action has been coordinated with the Auditor and Comptroller's Office and reflects the Metropolitan Wastewater Department's continuing effort, in cooperation with the Auditor's Office, to efficiently manage the cash resources of the Sewer Revenue Fund.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C128-223.)

MOTION BY STEVENS TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-108:

SUBJECT: South Bay Wastewater Treatment Plant, Phase I.

(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1088) ADOPTED AS RESOLUTION R-289955

Authorizing the Auditor and Comptroller to transfer not to exceed \$170,000 within Fund No. 41509, from CIP-42-910.6, South Bay Water Reclamation Plant, to CIP-42-922.0, South Bay Wastewater Treatment Plant, Phase I, to provide future additional funding for predesign effort and value engineering of the wastewater treatment plant.

CITY MANAGER SUPPORTING INFORMATION:

The proposed South Bay Wastewater Treatment Plant, Phase I (SBWTP) will treat the wastewater flows presently being conveyed from the southern region of the Metropolitan Sewerage System to the Point Loma Wastewater Treatment Plant. The SBWTP will provide mass loading and hydraulic capacity relief to the Point Loma plant enabling it to meet the requirements of the Ocean Pollution Reduction Act. This legislation enabled the City to apply for and obtain a waiver from secondary treatment at Point Loma. The SBWTP will also provide hydraulic capacity relief to the South Metro Interceptor. The South Metro Interceptor conveys flow from the southern regions of the Metro System to Point Loma for treatment. The SBWTP will treat 21 million gallons of

wastewater per day and its associated sludge. The SBWTP consists of secondary treatment and sludge processing. The secondary plant includes the headworks, screening and grit removal, primary sedimentation, activated sludge aeration, secondary clarification and disinfection. The sludge processing plant includes thickening, anaerobic digestion and dewatering. The project is located adjacent to the South Bay Water Reclamation Plant, just north of the international border. Also associated with the SBWTP is a new wastewater pump station and pipeline in the City of Chula Vista that will divert wastewater from the South Metro Interceptor to the SBWTP. MWWDD is currently preparing a predesign report with funding previously approved in the FY 98 budget. This request is to provide additional funding for the predesign effort and for value engineering.

Aud. Cert. 9801254.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-109:

SUBJECT: Transfer and Expenditure of Funds for Sorrento Valley Trunk Sewer Preliminary Engineering.

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1005) ADOPTED AS RESOLUTION R-289956

Authorizing the Auditor and Comptroller to transfer not to exceed \$73,000 from Fund 41506, CIP-46-111.0, Rose Canyon Trunk Sewer to Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer;

Authorizing the expenditure of not to exceed \$73,000 from Fund 41506, CIP-46-197.0, Sorrento Valley Trunk Sewer, for the purpose of providing funds for preliminary engineering.

CITY MANAGER SUPPORTING INFORMATION:

The funding for preliminary engineering will provide for the completion of a planning study to relocate the trunk sewer out of an environmentally sensitive area, an independent review of the study, and related costs. Sorrento Valley Trunk Sewer Replacement, CIP-44-109.0, currently is a sub-project of the Annual Allocation for Sewer Main Replacements, CIP-44-001.0. This item will provide for the creation of the Sorrento Valley Trunk Sewer as a separate CIP project and transfer funds into this new CIP project. The transfer of funds is necessary to cover the preliminary engineering expenditures to date from CIP-44-109.9 and those projected until the end of Fiscal Year 1998.

Aud. Cert. 9801042.

WWF-98-319.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-110:

SUBJECT: Transfer and Expenditure of Funds for the El Monte Bypass.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1103) ADOPTED AS RESOLUTION R-289957

Authorizing the Auditor and Comptroller to transfer not to exceed \$550,000 from the Water Fund Unallocated Reserve Fund 41500, Program Element 76226, to CIP-73-261.0, Alvarado Filtration Plant Upgrade and Expansion;

Authorizing the expenditure of not to exceed \$550,000 from CIP-73-261.0, Alvarado Plant Upgrade and Expansion, for the purpose of purchasing pipe materials and valves for El Monte Bypass;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The money transferred by this request will be used to purchase the pipe material and the valves for the proposed El Monte pipeline bypass. The El Monte pipeline is a 68-inch pipeline that conveys raw water from the County Water Authority First Aqueduct and local reservoirs to the Alvarado Water Filtration Plant (WFP). The existing 68-inch pipeline alignment is in conflict with the construction activities of the Alvarado WFP Upgrade and Expansion - Phase 1 (referred to as Alvarado WFP project), which is scheduled to start in the fall of 1998. The Alvarado WFP project proposes to bypass the portion of the El Monte pipeline causing the conflict. To avoid project delays and to limit the impact to the Alvarado service area, the bypass needs to be installed within the first winter shutdown window, typically when demands are low (November 1, 1998 through April 30, 1999). The lead time required to manufacture the pipe and valves necessary for this bypass is approximately 16 weeks. Accordingly, City staff is proposing to pre-purchase the pipe and valves and have it ready for the contractor of the Alvarado WFP project to install as the first order of work. The first contract will include purchasing 620 linear feet of 72-inch cement mortar coated and lined steel pipe. The second contract will include the purchasing of five 72-inch valves and one 54-inch valve. Advertising the purchase of materials in two separate contracts, one for pipe materials and the other for valves, will result in money savings to the City. The estimated contract amount for the pipe material contract is \$231,000 and for the valves contract is \$319,000.

Aud. Cert. 9801129.

WD-CIP-98-001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-111:

SUBJECT: Transfer of Funds - Sunset Cliffs Natural Park Master Plan.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1059) ADOPTED AS RESOLUTION R-289958

Authorizing the Auditor and Comptroller to transfer \$75,000 from Sunset Cliffs Natural Park Trust Fund No. 63034 to CIP-28-005.0, Sunset Cliffs Shoreline Park Master Plan;

Authorizing the expenditure of \$75,000 from CIP-28-005.0, Sunset Cliffs Shoreline Park Master Plan, for the purpose of completing the Master Plan, previously approved on September 29, 1992, by Resolution No. R-280748.

CITY MANAGER SUPPORTING INFORMATION:

On September 29, 1992, Council Resolution No. R-280748 authorized the City Manager to deposit monthly rents from the Vollmer Life Estate and the Dixon Life Estate on Sunset Cliffs Natural Park into the trust account of Fund No. 63034 to be used exclusively to benefit Sunset Cliffs Natural Park. On July 9, 1996, the City Manager approved the Second Amendment to the Agreement, allowing the consultant to complete the Master Plan and prepare an Environmental Impact Report necessary for approval of the Master Plan document. The transfer of funding will allow for a third



amendment to provide for additional studies requested by the community during the environmental public review process and anticipates staff charges necessary for completion and processing of the document for approval.

Aud. Cert. 9801113.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-112:

SUBJECT: Transfer and Expenditure of Funds for Ocean Boulevard - Phase IV.

(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1057) ADOPTED AS RESOLUTION R-289960

Authorizing the Auditor and Comptroller to transfer not to exceed \$30,000 from CIP-58-007.0, Annual Allocation Overhead/Other City Costs for various projects, Capital Outlay Fund No. 30245 to CIP-29-453.0, Ocean Boulevard, Phase IV;

Authorizing the expenditure of not to exceed \$30,000 from CIP-29-453.0, to supplement funding previously authorized by the City Manager for Ocean Boulevard - Phase IV.

CITY MANAGER SUPPORTING INFORMATION:

In January 1996, an agreement was executed between the State's Coastal Conservancy and the City awarding \$150,000 in grant funds for disabled access improvements along Ocean Boulevard between Thomas and Grand Avenues. The City matched the grant funding with \$150,000 TOT funding. The additional transfer of funds will

supplement previously authorized project funding and will be used for reconstructing and expanding the existing sidewalk per the community's request, and other related change orders. The transferred funds will be used exclusively for improvements in the public right-of-way.

Aud. Cert. 9801105.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-113:

SUBJECT: Settlement of the Personal Injury Claim of Creighton Theis and Colleen Gavin.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1071) ADOPTED AS RESOLUTION R-289961

A Resolution approved by the City Council in Closed Session on Tuesday, March 24, 1998 by the following vote: Mathis-yea; Wear-yea; Kehoe-yea; Stevens-yea; Warden-not present; Stallings-not present; McCarty-yea; Vargas-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$75,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Creighton Theis and Colleen Gavin, from a bicycle accident occurring on North Torrey Pines grade on August 4, 1996, (Superior Court Case No. 709750, Creighton Theis v. City of San Diego, consolidated with Superior Court Case No. 710539, Colleen Gavin v. City of San Diego);

Authorizing the City Auditor and Comptroller to issue two checks in the amount of \$25,000 made payable to Creighton Theis and his attorney of record, Edward J. Babbitt, and

\$50,000 made payable to Colleen Gavin and her attorney of record, David B. Egan, in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the Personal Injury Claim of Creighton Theis and Colleen Gavin against the City of San Diego, its agents and employees, as a result of an incident which occurred on August 4, 1996.

Aud. Cert. 9801123.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-114:

SUBJECT: Reclaimed Water Retrofit Participation Agreement with La Cima, Ltd.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1048) ADOPTED AS RESOLUTION R-289962

Authorizing a Reimbursement Agreement with La Cima, Ltd., for reclaimed water retrofitting;

Authorizing the expenditure of not to exceed \$94,200 from Water Revenue Fund 41500, CIP-70-941.0, Annual Allocation for Reclaimed Water Retrofit Systems, of which \$79,200 is to fund the Reimbursement Agreement and \$15,000 is to fund required work by City forces.

CITY MANAGER SUPPORTING INFORMATION:

This agreement is to reimburse the customer, identified as La Cima, Ltd., c/o Fairfield Properties, located at 7503 Charmant Drive, San Diego, CA, 92122, for design and construction costs required to retrofit existing onsite potable water distribution system to accept reclaimed water for the purpose of irrigation for property called La Cima, Ltd., which is located at 7503 Charmant Drive, San Diego, CA. This agreement is prepared in accordance with Council Resolution No. R-287560. Upon execution of this agreement, the customer shall within 6 months complete the retrofit requirements as stated in Paragraph 1 of the Reclaimed Water Retrofit Agreement Recitals.

Aud. Cert. 9800893.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C224-230.)

MOTION BY STEVENS TO ADOPT ITEMS 114 AND 115. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-115:

SUBJECT: Naval Training Center - Lease Modification No. 6 for Water Distribution System Application.

(Point Loma Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1044) ADOPTED AS RESOLUTION R-289963

Authorizing a sixth modification to the Master Lease with the United States Department of the Navy;

Authorizing the City Manager to proceed with an application to the United States Secretary of Health and Human Services for transfer of water and sewer systems at the Naval Training Center from the Navy to the City.

CITY MANAGER SUPPORTING INFORMATION:

The City Manager has negotiated with the Navy for a sixth modification to the Master Lease which will add 28 buildings and various fields to the City's leasehold. Included in the list of buildings and fields is the Support Center, Chapel and Recreation facilities. Modification No. 6 also provides that the City will assume maintenance responsibility of the water, sewer and storm drain systems. In addition, the City Manager is requesting authorization to proceed with an application for the transfer to the City of the water and sewer systems within the Naval Training Center. These systems have been determined by the Federal Government to be "surplus." The application will be submitted to the Secretary of Health and Human Services (H&HS) which oversees the transfer of Federal property. The application and its review and authorization by the Secretary of H&HS is necessary prior to the conveyance of the property which is now anticipated to be in January 1999.

Aud. Cert. 9801136.

FILE LOCATION: LEAS - United States of America-Camp Nimitz

COUNCIL ACTION: (Tape location: C224-230.)

MOTION BY STEVENS TO ADOPT ITEMS 114 AND 115. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-116:

SUBJECT: Agreement with Gary Engineering, Inc. for Engineering and Design of the Underground Storage Tank Management Program.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1073) ADOPTED AS RESOLUTION R-289964

Amending Fiscal Year 1998 Capital Improvements by adding \$272,000 (\$3,000 from Water Utilities Department Fund 41500; \$6,000 from Airports Division Fund 4110;

\$13,000 from Equipment Division Fund 50030; and  
\$250,000 from Unallocated Reserve) to the Underground  
Storage Tank Management Program CIP-33-084.0;

Authorizing an agreement with Gary Engineering, Inc. to  
provide professional services for the Underground  
Storage Tank Management Program;

Authorizing the expenditure of an amount not to exceed  
\$272,000 from Underground Storage Tank Management  
Program CIP-33-084.0.

CITY MANAGER SUPPORTING INFORMATION:

The proposed agreement with Gary Engineering, Inc. will provide design engineering services for underground storage tank system removal, installation, and upgrade at various City sites including Fire Stations, Police Division, and Operations yards. Gary Engineering is the Design Engineering Subconsultant under the existing EMCON Environmental Engineering Agreement R-282481 adopted August 9, 1993. The proposed agreement with Gary Engineering, Inc. will expedite design development and reduce costs.

Their knowledge of city design requirements and State and local regulatory requirements are necessary to ensure that the federally mandated upgrades to full double wall UST systems with electronic leak detection and removal of all single wall UST's are completed by the December 22, 1998 deadline. No extensions to this deadline will be authorized. Under State law fuel cannot be delivered after January 1, 1999 to any UST that is not certified as complying with the new regulations.

Aud. Cert. 9801250.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-117:

SUBJECT: Change Order No. 2 with Nielsen-Dillingham Builders for  
Point Loma - Scum Removal System Project.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1080) ADOPTED AS RESOLUTION R-289965

Approving Change Order No. 2, with Nielsen-Dillingham  
Builders for an amount not to exceed \$395,000, in  
connection with the Point Loma - Scum Removal System  
Project, CIP-46-110.0;

Authorizing the expenditure of not to exceed \$395,000  
from Fund No. 41508, CIP-46-501.0, Annual Allocation -  
Metro Sewer Pooled Contingency, to provide additional  
contingency for CIP-46-110.0, Point Loma - Scum Removal  
System, provided that the City Auditor first furnishes  
a certificate demonstrating that funds are, or will be,  
on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The Point Loma - Scum Removal System Project provides  
comprehensive upgrades to the existing system at the Point Loma  
Wastewater Treatment Plant, the primary function of which is to  
remove floating scum from the water surface in the sedimentation  
basins. Odor control improvements and concrete restoration are  
also parts of this project. Modifications to the existing  
sedimentation basin odor removal systems and the sealing of basin  
openings where odors can escape will decrease the plant odor  
discharge level. Repair and restoration of the concrete surfaces  
in the sedimentation basins, effluent channel, and headworks area  
will extend the useful life of these facilities and avoid  
expensive structural repairs in the future. Council Resolution  
No. R-288066 authorized the City Manager to execute a contract  
with the lowest responsible bidder for the construction of this  
project. The contract was awarded to Nielsen-Dillingham Builders  
for \$11,989,800. Authorization is requested to increase  
contingencies by \$395,000 for funding construction Change Order  
No. 2, which provides for installing a system at the  
sedimentation basins to enhance the plant performance by  
increasing the removal rate of the raw sludge.

Aud. Cert. 9801247.

FILE LOCATION: CONT - Nielsen-Dillingham Builders

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-118:

SUBJECT: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(See City Manager's Update. San Ysidro and Tijuana River Valley Community Areas. District-8.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-924) ADOPTED AS RESOLUTION R-289966

Declaring a continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-119:

SUBJECT: Excusing Councilmember Stallings from LU&H Committee Meeting of 4/1/98.



COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1083) ADOPTED AS RESOLUTION R-289967

Excusing Councilmember Valerie Stallings from attending the regularly scheduled Land Use and Housing Committee meeting of April 1, 1998, due to her participation in a recognition ceremony for a community leader.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-120:

SUBJECT: Reappointments to the Citizens' Advisory Board on Police/Community Relations.

(See memorandum from Mayor Golding dated 3/26/98.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1075) ADOPTED AS RESOLUTION R-289968

Council confirmation of the following reappointments by the Mayor to serve as a members of the Citizens' Advisory Board on Police/Community Relations, for terms expiring as indicated:

Name	Term Expires
Jeanie Graham Estrada (District 2)	January 1, 2000
Frank L. White (District 4)	January 1, 1999

January 1, 2000

January 1, 2000

January 1, 2000

COUNCIL ACTION: (Tape location: A640-B080.)

\* ITEM-121:

(See memorandum from Mayor Golding dated 3/27/98.)

Adopt the following resolution:

(R-98-1074) ADOPTED AS RESOLUTION R-289969

Council confirmation of the following reappointments by the Mayor to serve as a members of the La Jolla Shores Planned District Advisory Board, for terms ending as indicated:

Name	Term Expires
Janice A. Zamudio	April 1, 1999
John Hucko	April 1, 2000
Linda Moreland	April 1, 2000
Richard Friedland	April 1, 2000

Sara F. Moser April 1, 1999

Susan J. Stone April 1, 1999

David J. Mandelbaum April 1, 2000

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-122:

SUBJECT: Implementation of an Unbilled Water Use Recovery Program.

(See City Manager Report CMR-98-70; Councilmember Stallings's 1/14/98 memorandum.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-1053) ADOPTED AS RESOLUTION R-289970

Authorizing the City Manager to implement an unbilled water use recovery program, by issuing a Request for Proposal for a consultant who specializes in this type of service.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/8/98, NR&C voted 4-0 to approve on consent. (Councilmembers Mathis, Wear, Warden, and Stallings voted yea. Councilmember Kehoe not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-123:

SUBJECT: Water Conservation Incentive Program.

(See City Manager Report CMR-98-44.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-688 Cor.Copy) ADOPTED AS RESOLUTION R-289971

Authorizing the City Manager to continue to implement water conservation programs that offer financial incentives;

Amending the Enterprise Zone Water Conservation Business Incentive Program;

Authorizing the execution of agreements with participants of the Enterprise Zone Water Conservation Business Incentive Program;

Authorizing the City Auditor and Comptroller to transfer \$300,000 within the Water Operating Fund 41500, from the Unallocated Reserve (Program Element 76226, Object Account 4222) to the Water Conservation Program (Program Element 76254);

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$300,000 from the Water Department Operating Fund (41500).

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/4/98, NR&C voted 5-0 to approve the City Manager's recommendation to continue to implement the Ultra-Low Flush Toilet Rebate Program and other water conservation programs that offer financial incentives; and, amend the Enterprise Zone Water Conservation Incentive Program as proposed to City Council on January 12, 1998. (Councilmembers Mathis, Wear, Kehoe, Warden and Stallings voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

At the December 16, 1997 City Council meeting, Councilmembers questioned whether the City should continue to offer up to a \$75 rebate to customers who change out their existing high flow toilets to low flow toilets, thereby saving water. Water Department staff were requested to provide a cost benefit analysis of water conservation programs. At the January 12, 1998 City Council meeting, Water Department staff requested an amendment to the Enterprise Zone Water Conservation Business Incentive Program (EZWCBIP). Again the concept of offering incentives for conserving water was questioned and action was withheld pending review of the cost analysis by the Natural Resources and Culture Committee. City Manager Report CMR-98-44, dated February 25, 1998, provides cost benefit information on the various incentive programs sponsored by the City and co-funded by the San Diego County Water Authority and the Metropolitan Water District. At the Committee on Natural Resources and Culture meeting on Wednesday, March 4, 1998, the Committee passed this item on consent. This action requests authorization to utilize budgeted funds for the continued implementation of water conservation programs that provide financial incentives. The action further requests a modification to the EZWCBIP. The action also authorizes the City Manager to authorize agreements with participants of the EZWCBIP. On August 1, 1997, City Manager's Action Document No. C-08155 approved implementation of the EZWCBIP to provide financial benefit to City water customers located in designated Enterprise Zones who make extraordinary effort to conserve water by utilizing seawater instead of potable water.

The provisions of this amendment will allow the City, in addition to the existing provisions, to reimburse a customer up to \$300,000 for the cost of implementing water conservation technologies that reduce the consumption of potable water, so long as: 1) the company recycles water for water efficiency; 2) the cost per acre-foot saved is less than the current rate of imported water; 3) the amount of the incentive provided does not exceed the present value of the amount saved by the City in potable imported water costs over a ten year period; 4) the water conservation technologies were implemented on or after January 1, 1991; 5) the company is located in an Enterprise Zone; and 6) the total financial incentive under the amended portion of the program does not exceed \$300,000.

Aud. Cert. 9800758.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-124:

SUBJECT: Excusing Councilmember Kehoe from the NR&C Committee Meeting of Wednesday, 4/8/98.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1118) ADOPTED AS RESOLUTION R-289972

Excusing Councilmember Christine Kehoe from attending the regularly scheduled Natural Resources and Culture Committee meeting of April 8, 1998, due to her attendance at the California Coastal Commission.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-125:

SUBJECT: Second Amendment to Lease Agreement with the House of Hospitality Association.

(Balboa Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1072) ADOPTED AS RESOLUTION R-289973

Authorizing a second amendment to the lease agreement with the House of Hospitality Association, to provide an advance of operating expenses in an amount not to exceed \$100,000 for building management services until a new restaurant sublessee can be selected or the rent is brought current by the existing sublessee;

Authorizing the expenditure of not to exceed \$100,000 from Balboa Park/Mission Bay Park Fund No. 102240, for the purpose of providing an advance of operating expenses for the House of Hospitality.

CITY MANAGER SUPPORTING INFORMATION:

As part of the reconstruction of the House of Hospitality building in Balboa Park, a request for proposals was issued by City staff to find a restaurant sublessee for the new building. The non-profit lessee which operates the building, the House of Hospitality Association, assisted in this endeavor, and four restaurant proposals were received. Lumen Hospitality (Lumen) was ultimately selected from the four proposers, and a lease option agreement was approved by the City Council and subsequently exercised by Lumen. The reconstructed building opened to the public in September, 1997. However, to date, Lumen has failed to open the restaurant or complete construction of the required tenant improvements.

Lumen has also ceased paying rent, which the House of Hospitality Association relies upon for its operating expenses. Due to Lumen's failure to cure its lease defaults, the City has filed an unlawful detainer action. A lease amendment with the House of Hospitality Association is proposed because the Association can no longer afford to manage and operate the building without rent from the restaurant. The proposed amendment will provide the Association with an advance from the City of operating expenses of \$11,667 per month (not to exceed \$100,000 total) until a new restaurant sublessee can be selected or rent is brought current by Lumen. The amendment will also defer the rent paid by the Association to the City during this period. The City Manager further requests authorization for the Association to select a new restaurant operator with assistance from City staff and return with an acceptable sublease agreement for City Council approval.

Aud. Cert. 9801128.

FILE LOCATION: LEAS - House of Hospitality Association

COUNCIL ACTION: (Tape location: B402-C125.)

MOTION BY KEHOE TO ADOPT THE RESOLUTION WITH DIRECTION TO REAL ESTATE ASSETS, THE CITY MANAGER, AND THE CITY ATTORNEY TO PRESS ON THIS ISSUE. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-126:

SUBJECT: Excusing Mayor Golding from the Rules Committee Meeting of 3/23/98.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1121) ADOPTED AS RESOLUTION R-289974

Excusing Mayor Golding from attending the Rules Committee meeting of Monday, March 23, 1998, due to illness.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-127:

SUBJECT: Sony Artwalk Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1120) ADOPTED AS RESOLUTION R-289975



Proclaiming April 20 - 26, 1998 to be "Sony Artwalk Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-128:

SUBJECT: Proclaiming April 28, 1998 to be "Mr. James E. Brown Sr. Appreciation Day" in the City of San Diego.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1113) ADOPTED AS RESOLUTION R-289976

Saluting Mr. James E. Brown, Sr., who has been blessed with a healthy, happy, lengthy life of 104 years;

Proclaiming April 28, 1998 to be "Mr. James E. Brown, Sr. Appreciation Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

\* ITEM-129:

SUBJECT: 25th Silver Anniversary of Greater Life Baptist Church Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1114) ADOPTED AS RESOLUTION R-289977

Commending Reverend Dr. Willie Manley for 25 years of unselfish ministry, dedication, devotion and congratulating the members of Greater Life Baptist Church on their Silver Anniversary;

Proclaiming May 3, 1998 to be "25th Silver Anniversary of Greater Life Baptist Church Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-150:

SUBJECT: Two actions related to an Emergency Ordinance and an Interim Ordinance Establishing a Custom Poultry Processing Conditional Use Permit.

(See City Manager Report P-98-046; Councilmember Kehoe's 11/13/97 memorandum; The Boulevard. City Heights, Normal Heights, & Kensington/Talmadge Community Areas. Districts-3 & 7.)

TODAY'S ACTIONS ARE:

Introduction and adoption of the emergency ordinance in Subitem A and introduction of the interim ordinance in Subitem B:

Subitem-A: (O-98-114) INTRODUCED AND ADOPTED AS ORDINANCE O-18500 (New Series)

Introduction and adoption of an Emergency Interim Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by adding Section 101.0519 relating to Custom Processing of Poultry within the Mid-City Planning Area.

Subitem-B: (O-98-109) INTRODUCED, TO BE ADOPTED  
MAY 4, 1998

Introduction of an Interim Ordinance amending Chapter X, Article 1, Division 5, of the San Diego Municipal Code by adding Section 101.0519 relating to Custom Processing of Poultry within the Mid-City Planning Area.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 2/25/98, LU&H voted 5-0 to direct staff to prepare an urgency ordinance establishing a Conditional Use Permit for the keeping and slaughter of poultry within certain commercial zones of the Mid-City Planned District. (Councilmembers Mathis, Stevens, Stallings, McCarty and Vargas voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On February 19, 1998, in response to testimony provided by representatives of the State of California Department of Agriculture, Meat and Poultry Inspection Branch, the City of San Diego Land Use and Housing Committee directed staff to prepare an urgency ordinance amending the Municipal Code to establish a Conditional Use Permit for Custom Poultry Processing Facilities. Adoption of the urgency ordinance will be executed in two actions, both exempt from CEQA analysis. These actions include adoption of an emergency ordinance to become effective immediately, and, following the standard ordinance noticing and docketing procedures, adoption of an interim ordinance to remain in effect for 180 days. Adoption of the proposed emergency ordinance may be accompanied by direction to prepare permanent amendments to Chapters 13 and 14 of the recently adopted Land Development Code. To ensure no lapse in effectiveness while the Land Development Code awaits certification by the Coastal Commission, concurrent processing of a permanent amendment to Chapter 10 of the Municipal Code is also recommended. Both permanent amendments would receive full CEQA analysis and be docketed for consideration by the City Council prior to the expiration of the emergency ordinance. Under the Agriculture Code of the State of California, poultry processing plants slaughtering no more than 20,000 animals per year, without regard to rural or urban location, may be licensed as "custom processing plants." Such plants are subject to regulations adopted by the State of California that specifically address the dietary needs of California's diverse populations.

Due to the great demand for custom processing in San Diego and the difficulties involved in monitoring compliance with more stringent local limitations on the volume of production (per day/year), no additional local limitation on production is proposed. Due to a lack of model ordinances in other California cities contacted, the City of San Diego will lead the State in addressing the needs of its diverse population by accommodating Custom Poultry Processing Facilities in the neighborhood commercial areas. This ordinance, with its limited area of application, will provide an opportunity to test market response and community comfort with these facilities prior to broader application in other areas of the City of San Diego. Staff proposes that the number of permits for Custom Poultry Processing Facilities issued under this emergency ordinance be limited to 5.

FILE LOCATION: Subitem A: MEET; Subitem B: NONE

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO INTRODUCE AND DISPENSE WITH THE READING AND ADOPT SUBITEM A AND INTRODUCE SUBITEM B. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-200:

SUBJECT: Adoption of an Ordinance Implementing a Clean Air Project for Refuse Collection Vehicles.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/7/98.  
(Council voted 8-0. Mayor Golding not present):

(O-98-100 Cor.Copy) ADOPTED AS ORDINANCE O-18501  
(New Series)

Authorizing the City Manager to enter into an agreement with Clean Air Partners to operate fifty-four of the City's heavy duty refuse packers for a period of five years.

CITY MANAGER SUPPORTING INFORMATION:

On February 19, 1997, the APCD approved a grant of \$1.77 million to Clean Air Partners (CAP) to fund conversion of a minimum of 54 City refuse packers from diesel to a dual fuel LNG (liquid natural gas)/diesel system that will reduce oxides of Nitrogen (Nox) emissions by 50 percent. In order to utilize these grant funds. The City must enter into an agreement with CAP to operate the trucks with the dual fuel system in place for a period of five years. The City has ordered 42 refuse packers with Caterpillar C-10 engines which will be modified by Hawthorne, the local Caterpillar factory authorized agency, without affecting the factory warranty. The modification will be warranted for five years at no additional cost to the City. Delivery of these trucks is scheduled beginning in April, 1998. The bid process is underway for an additional 21 packers.

CAP and the City are working to site an LNG fueling station at a location convenient to efficiently serve the City refuse fleet, and also be available to other fleets. The cost of installing the LNG fueling station will be included in the LNG fuel contract. The total cost will remain competitive with the prevailing cost of diesel fuel. The City can expect to pay no more for LNG than it would have paid for diesel fuel because LNG is less expensive than diesel. Taromina Industries, a waste hauler in Anaheim, has sited an LNG fueling station and operated 15 heavy duty refuse packers successfully since June, 1997. They have ordered 23 additional packers for conversion to this system.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-201:

SUBJECT: Adoption of an Ordinance regarding the San Diego Bowl Game Association Flat Rate Lease.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on  
3/24/98.

(Council voted 8-0. District 5 not present):

(O-98-94) ADOPTED AS ORDINANCE O-18502 (New Series)

Authorizing the City Manager to execute a ten-year flat  
rate lease agreement with the San Diego Bowl Game  
Association for office space at Qualcomm Stadium.

CITY MANAGER SUPPORTING INFORMATION:

From 1978 through 1996, the San Diego Bowl Game Association (Association), the organizers of the Holiday Bowl, have leased office space at the stadium. They had to vacate their office space when the expansion of the Stadium began with the understanding that they could return to the Stadium to lease new office space when the project was completed. A 3,342 sq. ft. area on the Loge Level has been dedicated for use by the "Association". It is proposed that the City and San Diego Bowl Game Association enter into a ten year lease agreement. However, if during this period, the Holiday Bowl Game is no longer conducted then the "Association" can terminate the lease. The rental rate of the space is \$1.06 per sq. ft. per month which is based upon a recent rental rate survey done in Mission Valley. This rate will be upwardly adjusted each year for any changes in the Consumer Price Index. After the third year of the lease, the "Association" may request that the City perform a rental rate survey and the rental rate will be adjusted according to the results of the survey. Since the proposed office space area is unfinished, the "Association" will be required to construct permanent improvements for which the City will grant rent credits to be amortized over a five year period.

FILE LOCATION: LEAS - San Diego Bowl Game Association  
(Stadium #61)

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-202:

SUBJECT: Master Lease Agreements with State Street Bank and Trust, N.A., Koch Financial Corporation, and Stone and Youngberg LLC for Financing the Acquisition of Equipment through Lease-Purchase.

(See City Manager Report CMR-98-81.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-118) INTRODUCED, TO BE ADOPTED MAY 4, 1998

Introduction of an Ordinance authorizing Master Lease Agreements with the following:

State Street Bank and Trust, N.A., to serve as the lease provider for the 3, 4, 5, 6 and 7-year lease terms;

Koch Financial Corporation to serve as a primary back-up lease provider for the 3, 4, and 6-year lease terms and as a secondary back-up for the 5-year lease term;

Stone and Youngberg LLC to serve as a primary back-up lease provider for the 5 and 7-year lease terms.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO INTRODUCE THE ORDINANCE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-not present, Mayor Golding-not present.

ITEM-203:

SUBJECT: Implementation of Metropolitan Wastewater Department's Job Order Contracting System.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-975 Cor. Copy) RETURNED TO CITY MANAGER

Authorizing the City Manager to prepare plans and specifications for as-needed construction contract services with the Metropolitan Wastewater Department's job order contracting system, in substantially the same form and detail as Resolution No. R-287546 (Job Order Contract II);

Authorizing the City Manager to publish a notice to contractors calling for bids when the plans and specifications are prepared, in accordance with the plans and specifications to be filed in the Office of the City Clerk;

Authorizing the City Manager to execute a contract with the lowest responsible bidder for the job order contract, only after the enactment and effective date of Municipal Code procedures and limitations governing job order contracts;

Authorizing the expenditure of not to exceed \$8,000,000 from Fund Nos. 41500, 41506, 41508, and 41509.

CITY MANAGER SUPPORTING INFORMATION:

In October 1995, the City Manager executed a contract with F.H. Paschen/S.N. Neilsen Inc., the lowest responsible bidder for the Job Order Contract (JOC) for an amount not to exceed \$1,000,000. Subsequently, in April 1996, Council Resolution R-287125 authorized an additional \$2,000,000 for a total not to exceed amount of \$3,000,000. In June, 1996 the City Manager executed a second Job Order Contract (JOC) with R.E. Hazard, for the amount of \$5,000,000. Subsequently, in May, 1997, Council Resolution R-287546 authorized an additional \$5,000,000 for a total not to exceed amount of \$10,000,000. Each JOC is competitively procured using a request for bids and has a pre-established minimum and maximum dollar amount. The contractor bids a factor or multiplier which is applied to all of the unit prices in the unit price book. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. When work is ordered by task order, the contractor and the City's representative meet to scope the work and prepare a task order.



Appropriate unit priced items are selected from the contract document, the number of units are identified, and the contractor's factor is applied to the costs pulled from the contract documents. Work is accomplished by the issuance of individual task orders to the contractor. The City is under no obligation to pay the contractor any more than the \$50,000 minimum contract obligation, and therefore the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work. JOC has been in use in various public agencies since the mid 1980s. Agencies currently using JOC include Los Angeles County, Ventura County, San Diego County, City of New York, City of Chicago, the U.S. Army, U.S. Navy, U.S. Air Force, NASA, HUD and the U.S. Postal Service among others. Under the current Job Order Contract a budget of \$8,031,980 was approved for 64 MWWD jobs. These jobs were accomplished for \$6,048,711.42 which is \$638,617.68 less than the contractor's initial proposals. The continuation of the Job Order Contract system will enable the Metropolitan Wastewater Department to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

MBE/WBE:

Due to the nature of the as needed construction contract projects, the percentage of MBE/WBE subcontractors is dependent upon the tasks authorized by the City and type of work required by those tasks. The Job Order Contracting System which is currently in place has attained a 28.83 percent MBE/WBE percentage to date.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO RETURN TO THE CITY MANAGER AT HIS REQUEST FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-not present, Mayor Golding-not present.

ITEM-S400:

SUBJECT: Take Our Daughters to Work Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1140) ADOPTED AS RESOLUTION R-289978

Encouraging families to use this special day as an opportunity to discuss the events of the day at home with all family members;

Proclaiming April 23, 1998 to be "Take Our Daughters to Work Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A419-496; A606-620.)

MOTION BY WARDEN TO ADOPT ITEMS 31, 32, S400, AND S401.  
Second by Stallings. Passed by the following vote:  
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-not present, Mayor  
Golding-not present.

ITEM-S401:

SUBJECT: Jewish Family Service Day.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1138) ADOPTED AS RESOLUTION R-289979

Recognizing the remarkable accomplishments and continued contributions of the Jewish Family Service;

Proclaiming Sunday, April 26, 1998 to be "Jewish Family Service Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A497-542; A606-620.)

MOTION BY WARDEN TO ADOPT ITEMS 31, 32, S400, AND S401.  
Second by Stallings. Passed by the following vote:

Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,  
Stallings-yea, McCarty-yea, Vargas-not present, Mayor  
Golding-not present.

\* ITEM-S402:

SUBJECT: Planned Parenthood of San Diego and Riverside Counties.

COUNCILMEMBER KEHOE'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1139) ADOPTED AS RESOLUTION R-289980

Recognizing the contributions by the staff and  
administration of Planned Parenthood of San Diego and  
Riverside Counties to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A640-B080.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Warden. Passed  
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,  
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,  
Vargas-not present, Mayor Golding-not present.

ITEM-S403:

SUBJECT: Padres' Ballpark.

(See memorandum from LU&H Chairperson McCarty dated  
4/6/98.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-1155 Cor. Copy) TRAILED TO APRIL 21, 1998

Declaring that the City Council reaffirms its support  
of Resolution R-289758 (Task Force on Ballpark  
Planning) adopted February 23, 1998, and Resolution  
R-98-965(Ballpark Time Line) adopted March 24, 1998;

Directing the City Manager, with assistance from Centre City Development Corporation (CCDC), to complete base line due diligence, community input, economic feasibility analysis, and negotiations with the Padres per the Council-adopted time line;

Declaring that CCDC returns to the City Council Committee on Land Use and Housing (LU&H) with a monthly progress report on the land use plan.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 4/8/98, LU&H voted 5-0 to: 1) Approve the Draft Concept Plan 4D as the preferred option for the Baseball District, and direct the City Manager, with assistance from CCDC, to complete base line due diligence, community input, economic feasibility analysis, and negotiations with the Padres per the Council-adopted time line; 2) direct CCDC to return to the Land Use and Housing Committee with a monthly progress report on the land use plan; and 3) request the Mayor to docket this matter for the April 20, 1998, City Council meeting. (Councilmembers Mathis, Stevens, Stalling, McCarty and Vargas voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A640-080.)

ITEM-S404:

SUBJECT: Two actions related to Torrey Pines Golf Course North Course Irrigation and Cart Paths.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1126) ADOPTED AS RESOLUTION R-289981

Inviting bids for Torrey Pines Golf Course North Course Irrigation and Cart Paths;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of not to exceed \$2,068,945 from Fund No. 41500, Dept. No. 760, provided that the City Auditor first furnishes a certificate demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K98078C)

Subitem-B: (R-98-1127) ADOPTED AS RESOLUTION R-289982

Certifying that Mitigated Negative Declaration DEP-98-0123 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City of San Diego as Lead Agency; that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with Torrey Pines Golf Course North Course Irrigation and Cart Paths; approving the Mitigated Negative Declaration; adopting the Mitigation, Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The Torrey Pines Golf Course is located at 11480 North Torrey Pines Road in the University City Community Area. The proposed project will provide a new irrigation system which will allow the use of reclaimed water for irrigation and improved golf cart paths. This is the second phase of a complete irrigation system renovation project for the north course. The first phase of this project provided a pump plant for the north course.

FILE LOCATION: Subitems A,B: W.O. 151150 CONT - Valley  
Crest Landscape, Inc. W.O. 119936

COUNCIL ACTION: (Tape location: B084-401.)

MOTION BY WARDEN TO ADOPT. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-nay, Vargas-not present, Mayor Golding-not present.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Wear at 4:01 p.m.  
in honor of the memory of:

Joe Sterns as requested by Council Member Kehoe,  
Council Member Stevens, and Council Member McCarty; and

Dr. Truman McVey as requested by Council Member  
McCarty.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C231-308).